

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTIETH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 10120 of 2004

Between:

C.A.Rajyalakshmi, W/o.S.srinivasan,
R/o.Bhuktapur, Adilabad District.

..... PETITIONER

AND

1. The Northern Power Distribution Co.of A.P.Limited,
represented by its Chairman & Managing Director,
Warangal.

2. The Superintending Engineer, Operation Circle,
Northern Power Distribution Co. of A.P. Limited,
Adilabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction, especially one in the nature of *Writ of Mandamus* i) declaring the action of the Respondents in not releasing the family pension pertains to petitioner son, Late S.Prabhakar, AAE, in favour of the petitioner, as illegal and arbitrary, ii) Consequently direct the respondents to release the family pension to the petitioner, consequent upon the death of her son late S.Prabhakar, AAE.

For the Petitioner: MR.K.VASUDEVA REDDY

**Counsel for the Respondent No.: MR.S.RAVINDRANATH, S.C. FOR
NORTHERN POWER DISTRIBUTION**

The Court at the admission made the following:

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THE HON'BLE SRI JUSTICE DR. G.YETHIRAJULU

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WRIT PETITION NO.10120 OF 2004

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ORDER:

The petitioner is the mother of the deceased S. Prabhakar, who worked as an Additional Assistant Engineer with the second respondent and he died while in service on 28.09.2002. He was a divorcee and he had no children. The petitioner is living with her husband and she is claiming family pension on account the death of her son. As per Rule 50 (5) of the Revised Pension Rules, 1980, the petitioner is not entitled for family pension. Rule-50 (5) reads as follows:

“The period for which family pension is payable shall be as follows:

- i. in the case of a widow or widower, upto the date of death or re-marriage, whichever is earlier;**
- ii. in the case of a son, until he attains the age of 21 years; and**
- iii. in the case of unmarried daughter until she attains the age of 30 years or until she gets married, whichever is earlier.”**

Since mother is not one of the persons eligible for family pension, the petitioner is not entitled for the relief as prayed for.

Accordingly, the writ petition is dismissed.

(Dr. G.YETHIRAJULU, J)

30th August, 2004.

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Northern Power Distribution Co.of A.P.Limited,
represented by its Chairman & Managing Director,
Warangal.

2. The Superintending Engineer, Operation Circle,
Northern Power Distribution Co. of A.P. Limited,
Adilabad.

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